

31A-3-103. Fees.

(1) For purposes of this section, "services" means functions that are reasonable and necessary to enable the commissioner to perform the duties imposed by this title including:

- (a) issuing or renewing a license or certificate of authority;
- (b) filing a policy form;
- (c) reporting a producer appointment or termination; and
- (d) filing an annual statement.

(2) Except as otherwise provided by this title:

- (a) the commissioner may set and collect a fee for services provided by the commissioner;
- (b) a fee related to the renewal of a license may be imposed no more frequently than once each year; and
- (c) a fee charged by the commissioner shall be set in accordance with Section 63J-1-504.

(3) (a) The commissioner shall publish a schedule of fees established pursuant to this section.

(b) The commissioner shall, by rule, establish the deadlines for payment of a fee established pursuant to this section.

(4) (a) Beginning July 1, 2011, there is created in the General Fund a restricted account known as the "Insurance Department Restricted Account."

(b) Except as provided in Subsection (4)(c), the Insurance Department Restricted Account shall consist of:

- (i) fees authorized by this section; and
- (ii) other money received by the department, including:
 - (A) reimbursements for examination costs incurred by the department; and
 - (B) forfeitures collected under this title.

(c) The department shall deposit money it receives that is subject to a restricted account or enterprise fund created by this title into the restricted account or enterprise fund in accordance with the statute creating the restricted account or enterprise fund, and the department may not deposit the money into the Insurance Department Restricted Account.

(d) Subject to appropriation by the Legislature, the department may expend money in the Insurance Department Restricted Account to fund the operations of the department.

(e) At the end of each fiscal year, the director of the Division of Finance shall transfer into the General Fund any money deposited into the Insurance Department Restricted Account under Subsection (4)(b) that exceeds the legislative appropriations from the Insurance Department Restricted Account for that year.

Amended by Chapter 284, 2011 General Session